

*see at*

4  
4/2/01  
*ge*

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MARK BAILEY,

Petitioner

v.

WARDEN EDWARD BRENNAN,

Respondent

:  
:  
:  
:  
:  
:  
:  
:

CIVIL NO. 1:CV-01-0327

(Judge Caldwell)

FILED  
HARRISBURG, PA

MAR 30 2001

ORDER

MARY E. D'ANDREA, CLERK  
PER *gtr* DEPUTY CLERK

AND NOW, this 30th day of March, 2001, it is ordered that:

1. The Clerk of Court is directed to serve a copy of the petition and this order by certified mail on the Attorney General of the Commonwealth of Pennsylvania and the District Attorney of Potter County.

2. Within twenty days of the date of this order, Respondent shall answer the allegations in the petition for writ of habeas corpus. Consistent with Rule 5 of the Rules Governing § 2254 Cases in the United States Courts, the answer shall:

- (a) state whether the Petitioner has exhausted state remedies available under state law with respect to each claim presented, including any postconviction remedies;
- (b) be accompanied by those portions of any

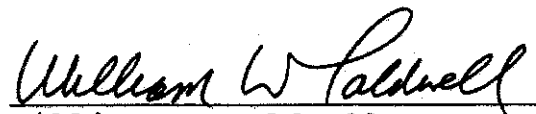
transcripts the Respondent deems relevant to disposing of the claims raised in the petition;

- (c) indicate what other proceedings that might be relevant to the petition have been recorded but have not yet been transcribed;
- (d) be accompanied by copies of any of the Petitioner's briefs on appeal, either from the judgment of conviction or from an adverse decision in a postconviction proceeding; copies of any opinions of the appellate courts in those proceedings; and any PCRA petitions.

3. Respondent shall file a memorandum of law with the answer. The memorandum shall set forth the relevant facts and procedural history of the case, a recommended disposition of the petition, and citations to pertinent case law.

4. Petitioner shall, if he so desires, file a reply brief within fifteen days of receipt of the Respondent's filings.

5. A determination whether the Petitioner should be produced for a hearing will be held in abeyance pending the filing of Respondent's answer and memorandum of law, and, if any, the Petitioner's reply.



William W. Caldwell  
United States District Judge